



Paper No. 17

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Technology Center 2100

In re Application of: James R. Whitley et al.)
Application No. 09/129,308)
Filed: August 5, 1998)
For: METHOD AND SYSTEM FOR)
CONTENT CONVERSION OF)
HYPERTEXT DATA USING DATA)
MINING)

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed, November 7, 2003, under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.(See MPEP § 711.03(c)).

The petition is **GRANTED**.

The Application was abandoned for failure to file a timely response to the Office action mailed on June 27, 2002. A Notice of Abandonment was mailed October 30, 2003.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In support of the petition, Petitioner provides a copy of the originally submitted Request for continuing Examination (RCE) with authorization to charge fees to **Deposit Account 13-2490** (2 pages) bearing a certificate of transmission by facsimile signed by Enrique Perez dated September 27, 2002; a copy of the amendment and response (16 pages) signed by Enrique Perez dated September 27, 2002; a copy of the "transmittal document" (1 page) and a copy of an auto-reply response to the facsimile transmission from the U.S. Patent and Trademark Office acknowledging that 19 pages were received (including the cover sheet) on September 27, 2002. Applicant's representative, George I. Lee, provides a statement which is understood to mean that the submitted papers are photocopies of those submitted by facsimile on September 27, 2002. The auto-reply obviates the need for the personal knowledge statement of transmission as it provides proof of actual receipt.

Petitioner has established that a timely response was filed on September 27, 2002 within the 3-month shortened statutory period of response and that no extension of time fees were required for the response.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **VACATED**.

The application file is being forwarded to the technical support staff for processing of the RCE and entry of the response. The requisite fees will be charged to **Deposit Account 13-2490**. From there, the application file will be forwarded to the examiner for appropriate action.



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